



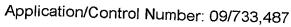
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APPLICATION NO.	O. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/733,487	12/08/2000		Sergej Lopatin	9090-0185 2468			
25267	7590	07/09/2002					
		& EVANS LLP	EXAMINER				
135 N PENNSYLVANIA ST SUITE 2700				DOUGHERTY	THOMAS M		
INDIANAPOLIS, IN 46204			ART UNIT	PAPER NUMBER			
				2834	,		
				DATE MAILED: 07/09/2002	DATE MAILED: 07/09/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No. Applicant(s)							
	09/733,487	1	LOPATIN ET AL.					
Office Action Summary	Examiner		Art Unit	tie				
	Thomas M. Dougherty		2834					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status								
1) Responsive to communication(s) filed on <u>08 E</u>	<u>December 2000</u> .							
2a)☐ This action is FINAL . 2b)⊠ Thi	is action is non-final.							
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims								
4) Claim(s) is/are pending in the application	าท							
4a) Of the above claim(s) is/are withdrawn from consideration.								
5) Claim(s) is/are allowed.								
6) Claim(s) is/are rejected.								
7) Claim(s) is/are rejected.								
8) Claim(s) <u>1-17</u> are subject to restriction and/or e	election requirement							
Application Papers								
9) The specification is objected to by the Examiner.								
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.								
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).								
11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.								
If approved, corrected drawings are required in reply to this Office action.								
12)☐ The oath or declaration is objected to by the Examiner.								
Priority under 35 U.S.C. §§ 119 and 120								
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a) ☐ All b) ☐ Some * c) ☐ None of:								
1. Certified copies of the priority documents have been received.								
2. Certified copies of the priority documents have been received in Application No								
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 								
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).								
a) The translation of the foreign language provisional application has been received.								
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s)								
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) 🔲 Notic	e of Informal i	/ (PTO-413) Paper No(Patent Application (PTG					



Art Unit: 2834

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-13 and 15-17, drawn to a piezoelectric device, classified in class 310, subclass 328.
- II. Claim 14, drawn to a method of manufacturing a piezoelectric device, classified in class 29, subclass 25.35.

The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and of Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process such as by chemical etching.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. James A. Coles, *Esq.*, on July 8, 2002 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Direct inquiry concerning this action to Examiner Dougherty at (703) 308-1628.

4md tmd

July 8, 2002

THOMAS M. DOUGHERTY PRIMARY EXAMINER GROUP 2100

Thomas M. hougher

2900